

APPEAL NO. 021424
FILED JULY 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 8, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, did not have disability, and did not make a binding election of remedies by using her regular health insurance. The claimant has appealed the determination that she did not sustain an injury or have disability, and the respondent (carrier) responds that the evidence sufficiently supports the hearing officer's decision.

DECISION

We affirm the hearing officer's decision.

The claimant essentially takes issue with the weight that the hearing officer assigned to the evidence and the credibility he accorded her testimony. However, it was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.). The claimant's credibility was not enhanced by denying what turned out to be an extensive history of treatment for cervical and shoulder pain prior to her asserted date of injury. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We accordingly affirm the decision and order.

The true corporate name of the insurance carrier is **FIDELITY FIRST INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT B. VLACH
4001 McEWAN DRIVE, #200
DALLAS, TEXAS 75244.**

Susan M. Kelley
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Roy L. Warren
Appeals Judge